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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO AND SAN JOSE DIVISIONS

14 WAYMO LLC,
15 Plaintiff,

16 v.

17 UBER TECHNOLOGIES, INC. ET AL,
18 Defendant.

19
20 UNITED STATES OF AMERICA,
21 Plaintiff,

22 v.

23 ANTHONY SCOTT LEVANDOWSKI,
24 Defendant.

) CASE NO. CV 17-939 WHA

) [COMPLAINT FILED **FEBRUARY 23, 2017**]

) CASE NO. CR 19-377 LHK

) [INDICTMENT FILED **AUGUST 15, 2019**]

) **NOTICE OF RELATED CASE IN A CRIMINAL
ACTION**

1 Introduction and Description of the Related Cases, L.R. 8-1(c)(2)

2 Pursuant to Criminal Local Rule 8-1, the United States hereby notifies the Court that the two
3 above-captioned cases are related. The earlier-filed civil action, Case No. CV 17-939 WHA, involved
4 claims that Uber Technologies, Inc. and two entities formed by Anthony Levandowski, Ottomotto LLC
5 and Otto Trucking LLC, misappropriated certain trade secrets developed by Google Inc. and
6 subsequently assigned to Waymo LLC. The later-filed criminal action, Case No. CR 19-377 LHK,
7 charges Anthony Levandowski with theft of trade secrets.

8 Brief Statement of the Relationship Between the Cases, L.R. 8-1(c)(3)

9 Levandowski was not a party to the civil action, but his alleged theft of Google files related to
10 self-driving technology was central to Waymo's theory of the case; *i.e.*, that Uber leveraged the stolen
11 information to shortcut the process of building custom LiDAR for self-driving cars. (*See* ECF 1, at 5.)
12 During the discovery process, the Court publicly referred the case "to the United States Attorney for
13 investigation of possible theft of trade secrets based on the evidentiary record supplied thus far
14 concerning plaintiff Waymo LLC's claims for trade secret misappropriation." (ECF 428; *see also* ECF
15 433.) The civil case ultimately settled partway through trial, on February 9, 2018.

16 At the time of the civil settlement, the criminal investigation by the U.S. Attorney's Office and
17 the Federal Bureau of Investigation was ongoing. On August 15, 2019, a grand jury returned an
18 indictment charging Levandowski with thirty-three counts of theft and attempted theft of trade secrets,
19 in violation of Title 18, United States Code, Sections 1832(a)(1), (2), (3), & (4). Levandowski is the
20 sole defendant against whom criminal charges have been filed. The Indictment identifies thirty-three
21 specific files alleged to contain trade secrets. The technology revealed in at least twelve of the files was
22 the subject of litigation in the civil case. For example, Counts One through Six of the Indictment relate
23 to Google's transmit block configuration, trade secrets numbers two and seven in the civil case. Count
24 Twenty-Seven of the Indictment is a presentation regarding Google's unique fiber laser design and was
25 trade secret number ninety in the civil case.

26 Government's Position on Assignment to a Single Judge, L.R. 8-1(c)(4)

27 Based upon the foregoing, the cases are related within the meaning of L.R. 8-1. Both actions
28 concern one or more of the same alleged events, occurrences, transactions, or property. Furthermore,

1 there will be some duplication of labor if they are heard by different judges. Government counsel
2 believes that assignment of these cases to a single judge is likely to conserve judicial resources and
3 promote an efficient determination of the criminal action.

4
5 DATED: August 28, 2019

Respectfully submitted,

6 DAVID L. ANDERSON
7 United States Attorney

8
9 _____/s/_____
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CERTIFICATE OF SERVICE

I, Katherine L. Wawrzyniak, certify as follows:

1. I am an Assistant United States Attorney in the Criminal Division of the United States Attorney's Office for the Northern District of California.
2. On August 27, 2019, I served the document, which was also electronically filed through the court's electronic-filing system under the above case numbers, titled:

NOTICE OF RELATED CASE IN A CRIMINAL ACTION

on the party or parties listed below by causing a copy of the document to be mailed by U.S Mail, and delivering the document by electronic mail, to the following addresses:

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DATED: August 28, 2019

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